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MARYLAND FISHERIES

PUBLISHED BY CONSERVATION DEPARTMENT OF MARYLAND

No. 23

BALTIMORE, MARYLAND

July, 1933

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THE NATIONAL INDUSTRIAL RECOVERY ACT—WHAT IT MEANS TO THE FISHERY INDUSTRIES OF MARYLAND

THE new Industrial Recovery Act, by means of which the Government hopes to lift the economic depression of the past few years, is one of the most far-reaching laws ever passed by Congress. It provides for Government regulation of every business in every trade and industry, and affects:

- Wages paid employees;
- Working hours and working conditions;
- Manufacturers' prices;
- Competitive selling methods;
- Company restrictions as to unions and labor organizations which employees may join;
- Rights of employees to organize and collectively bargain with employers.

It means complete reversal of present business methods, the abolishment of cut-throat competition, the end of price cutting and overtime work. Every business concern in every trade and industry is vitally affected by this new law, and it requires them immediately to join with others in their own line of business and prepare, through an association or otherwise, a CODE of business practice. The CODE may also regulate prices for the entire industry.

The law does not allow the setting up of arbitrary prices by any industry, but it does prohibit selling below cost of pro-

duction. In effect, it is now a criminal offense to sell at prices below cost of production. Upon complaint of an individual, corporation, or association that one is selling below the cost of production, he can be cited to appear in court. If found guilty, the law provides a penalty of not more than \$500 for each day. It is imperative, therefore, to know costs, and this Act provides the opportunity, and also permits an industry to function through its trade associations. Indeed such associations, according to the administrator of the Act, "are almost a part of government and can do and agree to more things than they could ever do before."

In order to acquaint Maryland sea-food packers and dealers with the provisions of the Industrial Recovery Act, a meeting was called by Conservation Commissioner Earle, and took place at Easton on the evening of July 5th. At this meeting Dr. Lewis Radcliffe, formerly deputy U. S. Commissioner of Fisheries, and now representing the Oyster Growers and Dealers Association of North America, explained the meaning and effects of the new law, and explained the need for representation in the Association, so that special conditions in Maryland may be considered in drafting the final code of fair competition for the oyster industry.

The meeting was very successful from the standpoint of attendance, representatives from five counties of the Eastern Shore being present.

It was not thought possible for the Oyster Growers and Dealers Association when drafting a code for the oyster business, to include the subject of crabs, so it may be necessary to have a separate code for this business. The crab packers present, many of whom are also in the oyster business, made a number of recommendations with respect to the regulation of the crab business, such as: limitation of crab purchases from the watermen to four days a week; the establishment of a cooperative group in Baltimore to control sales to commission merchants, and extension of markets.

To prepare and adopt a code of fair competition and submit same to the Federal Administrator of the Recovery Act for his approval is a huge task, but at the same time it offers a tremendous opportunity to remedy many of the unfair practices which have for so long threatened the existence of the fishery industry. It is to be hoped that the associations drafting the codes for this industry will turn in a good job.

A suggested Code of Fair Competition for the oyster industry of the United States, as prepared by the Oyster Growers and Dealers Association of North America, follows:

**THIRD DRAFT OF SUGGESTED CODE OF FAIR COMPETITION
FOR THE OYSTER INDUSTRY OF THE UNITED STATES**

Note—As used in this Code, the term Oyster Industry includes all employers of labor who cultivate oysters, take oysters from public oyster bottoms and who pack or repack opened oysters or oysters in the shell.

Article I—Purpose

This Code is set up for the purpose of increasing employment, establishing fair and adequate wages, effecting necessary reduction of hours, improving standards of labor, and eliminating unfair trade practices to the end of rehabilitating the oyster industry and enabling it to do its part toward establishing that balance of industries which is necessary to the restoration and maintenance of the highest practical degree of public welfare.

It is the declared purpose of the oyster industry and adherents to this Code to bring, insofar as may be practicable, the rates of wages paid within the oyster industry to such levels as are necessary for the creation and maintenance of the highest practical standard of living; to restore the income of enterprises within the industry to levels which will make possible the payment of such wages and avoid the further depletion and destruction of capital assets; and from time to time to revise the rates of wages in such manner as will currently reflect the equitable adjustment to variations in the cost of living.

It is further the declared purpose of the oyster industry and adherents to this Code to continue to promote scientific research and close cooperation and coordination with State and Federal authorities to the end that the products of the oyster industry may be made available to the public on a basis of absolute and assured purity, and that the public may be given the true facts concerning the nutritive and dietary significance of the products of the oyster industry.

Article II—Participation

Participation in this Code, and any subsequent revision of or addition to the Code, shall be extended to any person, partnership, corporation or organization in the oyster industry which accepts its share of the cost and responsibility, as well as the benefit, of such participation by becoming a member of the Oyster Growers and Dealers Association of North America. No initiation or entrance fees shall be charged, but there shall be annual dues of \$10.00, plus one-half of one per cent of the gross receipts from sale of oysters in excess of \$5,000, levied on the basis of gross income received during the preceding fiscal

or calendar year by each member-enterprise, whether person, partnership or corporation.

Any organization qualified to membership, not engaged in the sale of oysters shall pay annual dues of \$50.00. Each additional active member of a firm, partnership, corporation or organization shall pay annual dues of \$25.00. Subscription fees or other assessments, if any, shall be levied on the same basis, with the approval of two-thirds of the Board of Directors.

Article III—Divisions of the Industry

A—Powers

For the purpose of the administration of this Code the oyster industry shall be divided into divisions as set forth below. Each division shall designate or establish its own administrative agency or agencies. Each such division shall be independent and self-governing in respect of all conditions and problems relating exclusively to the said division. Proposals in respect of matters affecting more than one division may be initiated by any division, and shall be submitted for consideration to the National Committee of the oyster industry, hereinafter described, and its determination shall be binding upon said division and all other divisions affected thereby, subject to the approval of the President.

B—Names of Divisions

Divisions are hereby established as follows:

Atlantic Coast Division, including Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia.

South Atlantic and Gulf States Division, including North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas.

Pacific Coast Division, including California, Oregon and Washington.

Other divisions of producers, growers, and/or packers of oysters may be established upon application of any such group, or groups, subject to the approval of the National Committee hereinafter described; such divisions to have representation on the National Committee of the Oyster Industry.

C—Executive Committee

Each of the above divisions, and any others which may subsequently be formed within the oyster industry, shall set up an Executive Committee for the purpose of administering the provisions of this Code, to secure adherence thereto, to hear and

adjust complaints, to consider proposals for amendments thereof and exceptions thereto, and otherwise to carry out within the division the purposes of the National Industrial Recovery Act as set forth in this Code.

If a division, as named above, does not concur in the submittal of this Code; or if, at any time thereafter, a division fails to perform its obligations as provided hereunder, the National Committee of the oyster industry, hereinafter described, is hereby empowered to adopt a Code for the division and may provide for the administration of that Code as if said National Committee were the Executive of the division concerned.

Article IV—Division Regulations

A—Labor Code

Each of the above divisions, and any other which may subsequently be formed, shall promptly undertake the formulation of a labor code.

The labor code established by the said division shall, upon approval of the National Committee of the oyster industry, be binding upon all producers of products in such division. The labor code of each division shall contain the following provisions:

(a) Employees in the oyster industry shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee in the oyster industry, and no one seeking employment therein, shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing.

(c) Employers of labor in the oyster industry agree to comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

(d) Employers of labor in the oyster industry agree to exclude from employment all persons under sixteen years of age.

(e) Employees in the oyster industry, except those used in the operation of oyster boats, shall be classified as follows:

1. Plant Labor, covering all other operations in the oyster industry except the opening of oysters.
2. Openers, or shuckers, of oysters.

(f) Employers in the oyster industry shall not permit employees, except those used in the operation of oyster boats and watchmen, to work in excess of an average eight hours per day or forty-four hours in any one week, provided, however, that an overtime period of ten per cent shall be allowed during the months of July, November and December of each year.

(g) Employers in the oyster industry shall not pay employees less than the following minimum wages:

1. Labor, except openers, or shuckers, thirty cents per hour.
2. Openers, or shuckers, four and one-half cents per standard liquid quart of opened oyster meats (including juice) or twenty cents per gallon if payment is based on dry measure.
3. Employers of labor who provide board and found shall be permitted to reduce this schedule at the rate of not more than one dollar per day for furnishing such employees three meals per day and satisfactory sleeping quarters.

(h) Employers of labor in the oyster industry shall lend their cooperation and active support to the program of the Oysters Growers and Dealers Association of North America for the reduction of accidents in the conduct of the operations of the industry.

(i) The National Committee may require employers of labor to submit monthly affidavits, properly executed before a Notary Public, certifying that they have complied with the provisions of this Code with respect to rates of wages, hours of labor, and such other data as may be required. These affidavits shall be filed in the headquarters of the Oyster Growers and Dealers Association of North America and shall be available at all times to inspection by the President or his authorized representatives.

B—Basis of Selling Rate

1. The oyster industry shall recognize the following standard grades of fresh shucked oyster meats:

Grade A—Extra Large, counting less than one hundred and sixty oysters per gallon.

Grade B—Large, counting one hundred and eighty-five to two hundred oysters per gallon.

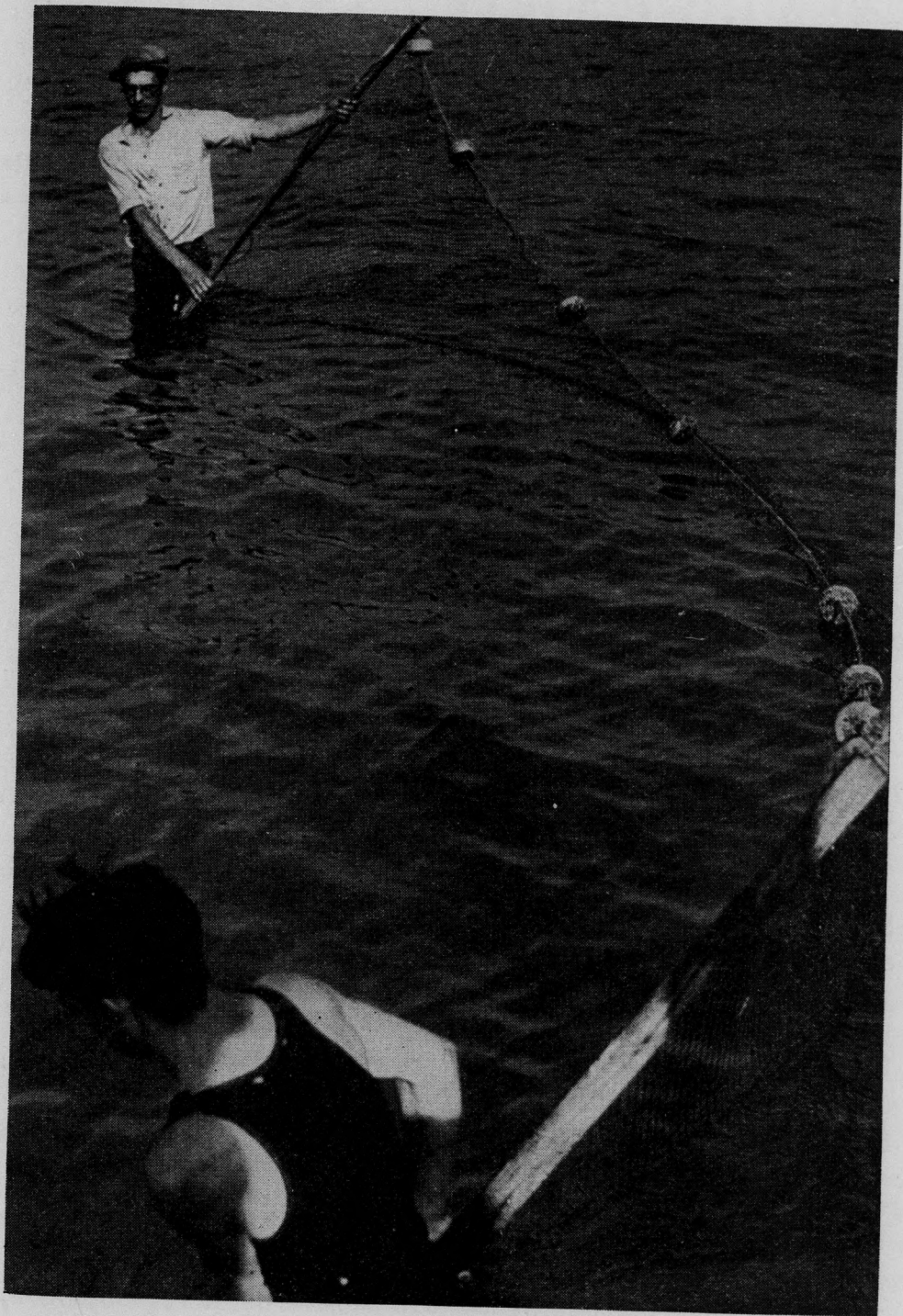
Grade C—Medium, counting two hundred and twenty to two hundred and thirty-five oysters per gallon.

Grade D—Small, counting more than two hundred and fifty oysters per gallon.

Grade E—Straight opened oyster meats.

The use of the terms "Northern" and "Southern" are approved when these accurately describe the oysters involved.

(Continued on Page 15)



HAULING SEINE FOR SOFT CRABS IN UPPER BAY TRIBUTARIES

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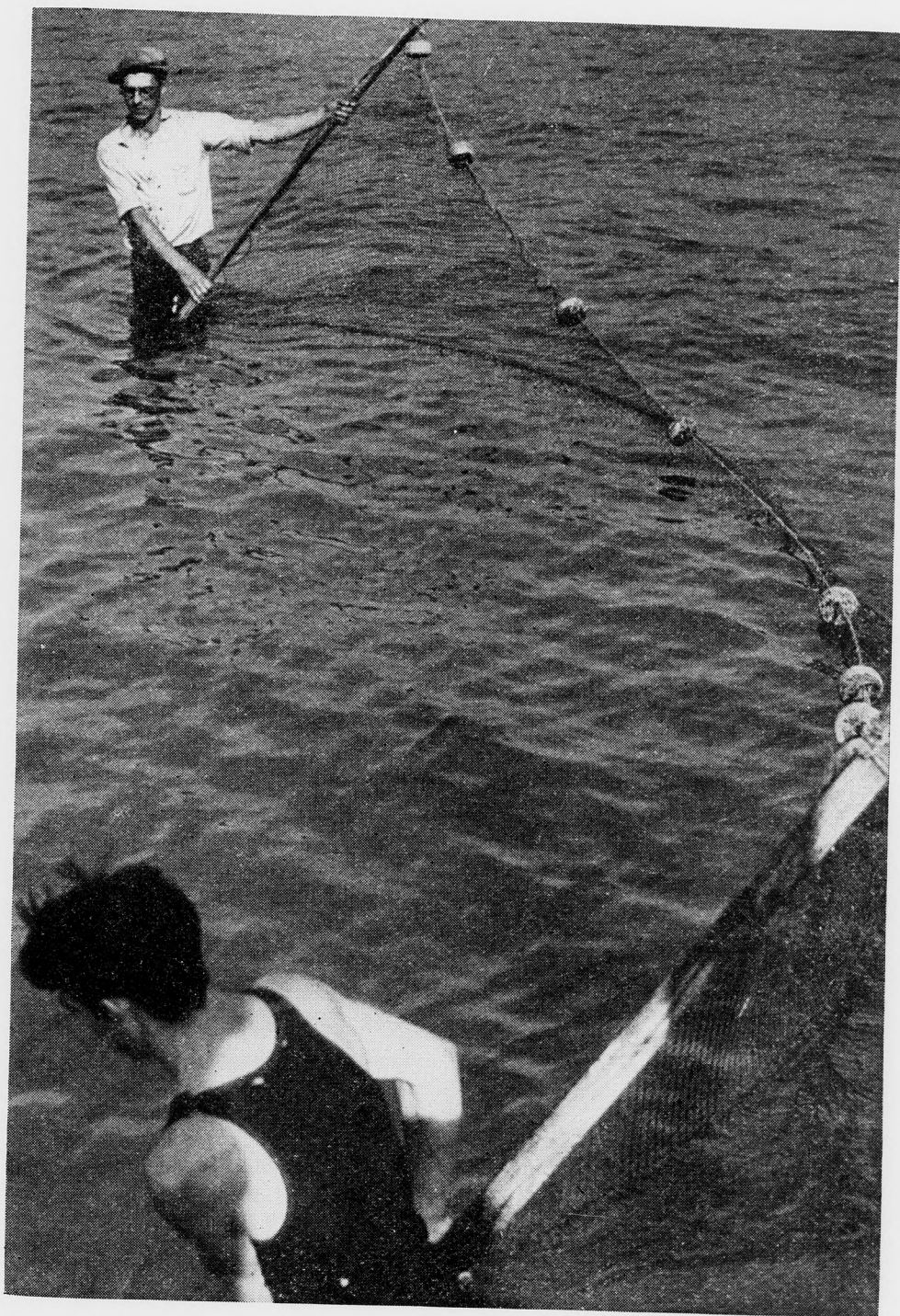
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(Continued on Page 15)



HAULING SEINE FOR SOFT CRABS IN UPPER BAY TRIBUTARIES

MARYLAND FISHERIES

PUBLISHED BIMONTHLY BY CONSERVATION DEPARTMENT,
SWEPSON EARLE, Commissioner.

No. 23

BALTIMORE, MARYLAND

July, 1933

CRAB SEASON

THE CRAB SEASON which started in Worcester County, April 1st and in Chesapeake Bay, May 1st, is about at its peak this month. It has been found necessary to place additional inspectors in the upper bay section, especially in Chester and Miles Rivers, where the crab supply has increased materially in the last thirty days.

During early June soft crabs were plentiful and sold (by the catcher) as low as 15 to 20 cents a dozen. In the Baltimore market, they brought between 50 and 75 cents. The quantity of hard crabs increased as the season advanced and the size improved as shedding progressed. Prices, of course, are governed largely by supply and demand, and the demand will not increase until distribution is extended beyond the present markets of Baltimore, Washington, Philadelphia and New York.

A number of reliable crab packers in the lower part of the State claim that the crab supply has been materially reduced since the taking of sponge crabs has been permitted in Virginia waters, following an act of the General Assembly of that State passed in 1932, which was an emergency measure and went into effect in Virginia immediately after its passage.

An investigation of the life history of the crab has been and is still being carried on under the direction of Dr. R. V. Truitt of the Biological Laboratory at Solomons Island. These investigations have been made in the field by Mr. George F. Beaven—last year beyond the Capes—and at present in both the lower and upper Bay, to determine the migration of crabs and other information which will be aidful in regulating and preserving this important shell-fish.

During the past two years the transportation of crabs from the waters of the upper Bay and the crab houses of Crisfield and vicinity by trucks has materially increased. This method

of transportation involves a new problem in crab inspection for the State, as it is impossible for the inspectors to reach every boat crabbing, and when crabs are shipped by trucks from isolated points to the lower towns, our inspectors at the point of destination frequently have to turn the crabs back overboard, because of their size. The mortality is also greater in shipments by truck than by boat, it has been found.

The Department is making every effort to prevent the taking of small crabs and the placing of "green" crabs in floats. In fact, we must do our part in Maryland to save the crab if we expect the Commonwealth of Virginia to give the crab the proper protection in the waters of the lower Bay. Packers are asked to cooperate with the Department to the fullest extent in carrying out this law.



THE NATIONAL INDUSTRIAL RECOVERY ACT

SEVEN THOUSAND INDUSTRIES in the United States are occupied at this time with the preparation of codes to conform with the requirements of the new act passed by Congress. The National Industrial Recovery Act represents one of the most important measures taken by the President to lift this country out of the present economic emergency and merits the wholehearted support of all industry. In the words of the President its purpose is "to put people back to work—to let them buy more of the products of farms and factories and start our business at a living rate again." According to General Johnson, the administrator of the act, "the Recovery Act had to be passed for two reasons—one: that it was actually unlawful for all employers to do the same thing at the same time, and, two: that even after you have made *that* lawful, you have to have a practical method for all employers to act together, and you have to have some leadership which they can follow freely in the doing of it. The President has set up machinery for this great cooperation, and it is wholly unnecessary to say that this country is under one leadership in him to an extent that has probably never happened in any country, anywhere, any time—it is now up to our people to perform. No law and no government can do *that* for them. American industry has got to save itself."

The seafood packers of Maryland are interested in the adoption of a code that will improve the selling and marketing conditions of this business. There is a great opportunity for the

Chesapeake Bay dealers to work in closer cooperation, the advantage of which has been long evident to many of them. It was unanimously agreed at a meeting held in Crisfield on July 18th, that Maryland and Virginia should prepare a code applicable to the Chesapeake Bay region. The conditions governing the New England industry are different in many respects from Maryland and Virginia, especially in preparing and marketing of oysters, and in addition to that, this region produces 80% of the crabs of the United States, and some code should be worked out to include this important fishery.

The Conservation Department feels encouraged by the fact that the seafood interests of Maryland are organizing in a constructive way, and real results may be expected to follow this movement. Certainly we have long needed a plan whereby prices can be stabilized and the practice of selling seafood below cost of production discontinued. A "fair price," the words used in the new law, is exactly what is necessary if those engaged in the seafood business, including the fishermen as well as the packers, are to continue to find a livelihood in this important industry.



CHESAPEAKE BIOLOGICAL LABORATORY

THE SECOND SEASON of research and summer school at the Biological Laboratory at Solomons Island is under way. The budget available for operating the laboratory this season is extremely limited, but practically the same courses offered during the summer of 1932 are again open to students this year. The enrollment this year exceeds that of last year.

Research work conducted at the laboratory this summer (continuing the work carried on by Mr. George F. Beaven) will include studies of crabs (migration), crab grass which seems to be disappearing in the lower Bay, sea nettles, etc. In addition the work of experimenting with spat collectors on the oyster experimental farm in Honga River, operated in conjunction with the laboratory, will continue. The most interesting development in this connection last year was the use of slag, and experiments with this form of spat collector will be continued this year. Dr. R. V. Truitt is again directing the work at the laboratory as well as in the field.

In order to work out a permanent policy for the operation of the Chesapeake Biological Laboratory an executive committee was formed as follows:

Dr. David Allen Robertson, president, Goucher College; Dr. Douglas Huntley Gordon, president, St. John's College; Dr. Raymond Allen Pearson, president, University of Maryland; Dr. Gilbert Wilcox Mead, president, Washington College, and Dr. A. Norman Ward, president Western Maryland College, with Conservation Commissioner Swepson Earle as chairman.



PROGRESS IN PREVENTING THE INTRODUCTION OF JAPANESE OYSTERS IN ATLANTIC COAST WATERS

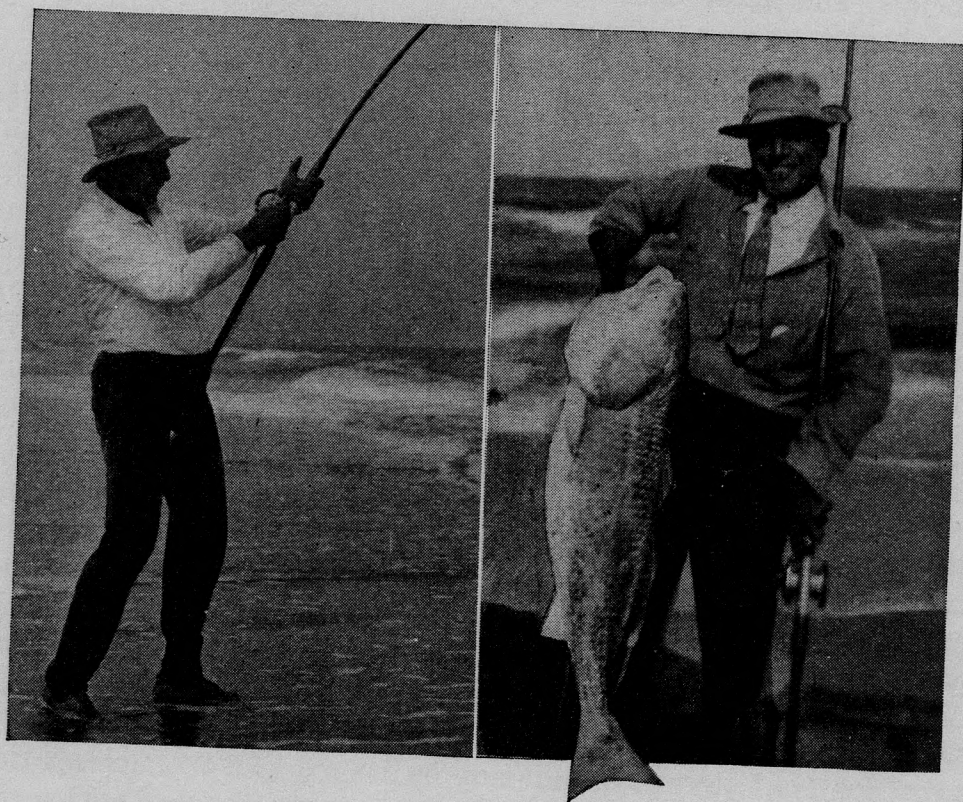
AT the joint meeting of the National Shellfisheries Association and the Oyster Growers and Dealers of North America, Inc., held last August in Atlantic City, information was presented by Dr. P. S. Galtsoff, in charge of oyster investigations, for the United States Bureau of Fisheries, to show the undesirability of introducing the Japanese oyster (renamed Pacific oyster on the Pacific coast) into our Atlantic coast waters. The importance of this matter was immediately realized by both the oyster growers and State conservation officials, and after thorough discussion it was agreed that in the absence of any Federal authority, it was desirable for each of the States concerned to undertake the necessary control.

Appropriate action prohibiting the introduction of this species has been taken by the legislatures of three States, according to advice recently received by the Bureau of Fisheries. Conservation Commissioner Swepson Earle writes that the Maryland Legislature has enacted a law as prepared by his department. This law, effective June 1, prohibits the planting or cultivation of any species of oyster other than the native species, and provides that the conservation commissioner shall confiscate and remove any oysters planted in violation of the statute. This is undoubtedly a valuable provision.

W. C. Adams, director of the division of fish and game, states that on April 10, the New York Legislature passed a law, effective at once, likewise preventing the introduction of any species of oyster other than the native one. In New York, State permits must be obtained before transplanting oysters either from one place to another within the State or into waters of the State from the outside. The law in question provides that permits shall not be issued for transplantation of any species of oyster other than *Ostrea virginica*.



SEINE HAULERS AT WORK ON CHESTER RIVER



SURF FISHING NEAR OCEAN CITY—MR. BLOGG GETS A BIG ONE

J. W. Harrelson, director of the department of conservation and development, writes that on April 6, the General Assembly of North Carolina ratified an act preventing the introduction of either Japanese or Portuguese oysters into any of the waters of that State. The law became effective immediately on ratification.

Most of the other coastal States have expressed their opposition to the introduction of Japanese oysters, but the Bureau has not been advised of any steps being taken to protect the industry in their respective States.

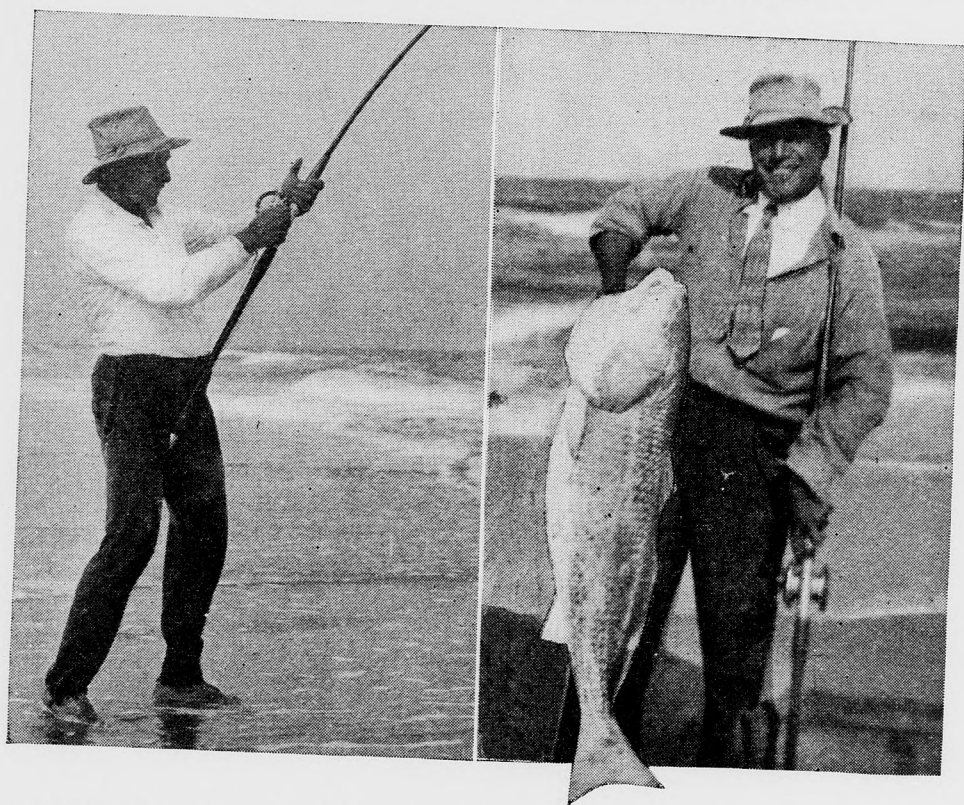
It may be desirable at this time to summarize the facts on which were based the recommendations of the Federal Bureau of Fisheries. At the Atlantic City meeting it was pointed out that the Japanese species is extremely prolific, producing young at a rate greatly in excess of the capacity of our oyster, and that this productivity was accompanied by a rate of growth likewise exceeding the native species. Unfortunately, however, the flavor, appearance, and general palatability of the foreign oyster are not superior, and both the shell and the oyster itself are sufficiently unusual in appearance as to require extra sales effort among consumers accustomed to Atlantic coast varieties.

Experiments carried on at the United States Bureau of Fisheries, Woods Hole (Mass.) laboratory last summer proved that the two species will interbreed; and although facilities were not available for rearing the hybrid young beyond a few days, they appeared to be entirely normal. If this should prove to be the case generally, it is evident that such cross-breeding would in a comparatively short time wipe out our oysters as a race wherever the Japanese oysters were introduced, and there is no evidence that the hybrids would be equal to our oysters.

A probable disadvantage of the rapid growth of the Japanese oyster is that it quickly passes marketable size. In favorable localities, growth is so rapid that the oysters may be marketed at the end of 18 to 24 months. As growth continues it will be seen that should the market demand not prove satisfactory, it would be out of the question to hold the crop over for several seasons as may be done with our Atlantic Coast natives.—
Fisheries Service Bulletin, U. S. DEPT. of AGRICULTURE.



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STATE'S TROUT STOCKING POLICY PLEASES
THIS CUMBERLAND ANGLER

June 20, 1933.

MR. SWEPSON EARLE,

Conservation Commissioner,

Baltimore, Maryland.

DEAR MR. EARLE:

I wish to congratulate your department on the stocking of one particular stream, Little Tonoloway, this side of Hancock, Md., with rainbow trout. I had two or three very pleasant afternoons on this stream. On each occasion, I caught several nice trout, ranging from ten to fifteen inches. They gave a good fight and it was real trout fishing.

I understand that this stream was just stocked this year, therefore I am perfectly satisfied that the stocking of streams with large trout is the correct procedure. Many of our mountain streams, in the past, have been stocked with small trout which seems to have been time, labor and money spent without any results.

My own thought in the matter is that it is much better from all angles to keep our trout in the rearing ponds until they are at least nine or ten inches or larger, before placing them in the streams. The experience I had in the stream near Hancock, proved to me beyond the shadow of a doubt, the successful stocking of streams, depends entirely upon the size of the fish stocked.

Again congratulating your commission, on using what I think is the proper judgment, I remain,

Yours very truly,

DR. W. A. GRACIE,

Cumberland, Md.

The National Industrial Recovery Act—What It Means To the Fishery Industries of Maryland

(Continued from Page 6)

Grades shall be reasonably uniform. If and when a packer is obliged to mix graded oyster meats, owing to a lack of balance between his grading and his orders, he shall mix such oysters with a grade of higher count and shall sell the resulting pack as that grade of oysters which by count results. Oysters which are not graded, but are opened as the stock runs, shall be sold under such conditions and at such prices as apply to a corresponding grade by count per gallon of graded oyster meats. These grades are subject to change from time to time as conditions in the industry may require. All changes must be approved by the National Committee.

These grades are based on the packing of strained oyster meats and the presence of free liquid in excess of ten per cent of the volume of any container shall be an infraction of this Code and said packer shall be liable to the full penalty thereunder.

2. The oyster industry shall recognize the following standard grades of market oysters sold in the shell for consumption:

Grade A. Large, counting under five hundred and fifty oysters per standard three-bushel barrel.

Grade B. Medium, counting six hundred to eight hundred oysters per standard three-bushel barrel.

Grade C. Half-Shell, counting eight hundred and fifty to one thousand and fifty oysters per standard three-bushel barrel.

Grade D. Small, counting over eleven hundred oysters per standard three-bushel barrel.

These grades are subject to change from time to time as conditions in the industry may require. All changes must be approved by the National Committee.

C—Cost Codes

Each of the above divisions and any others which may subsequently be formed shall proceed at once to provide for standard methods of cost accounting which shall be used by all producers within that division for the purposes of this section of the Code. It shall be an unfair method of competition for any producer to sell any of the products of the oyster industry below his cost of production.

The National Committee of the oyster industry is authorized to prescribe rules governing the disposition of surplus stocks in emergency cases to avoid unnecessary losses.

MARYLAND FISHERIES

Article V—National Committee

A—Representation

There shall be a National Committee of the oyster industry to consist of one representative of each division for each million dollars worth of sales reported by said division, according to the latest published reports of the Department of Commerce, said representatives to be selected by said division; and three representatives of the industry at large, to be selected by divisional members of said National Committee.

B—Powers

This National Committee shall be the general planning and coordinating agency for the industry. Its members selected by established divisions shall be empowered by the said divisions to act for them conclusively in respect to all matters before the committee for consideration and within its jurisdiction. The committee shall have the powers and duties as provided herein, and in addition thereto it shall

(a) from time to time require such reports from divisions as in its judgment may be necessary to advise it adequately of the administration and enforcement of the provisions of this Code;

(b) upon complaint of interested parties, or upon its own initiative, make such inquiry and investigation into the operation of this Code as may be necessary; and

(c) make rules and regulations necessary for the administration and enforcement of this Code. The committee may delegate any of its authority to the Control Committee hereinafter provided, and may designate such agents as it shall determine.

The National Committee of the oyster industry in cooperation with, and subject to, the approval of the properly designated representative of the President under the National Industrial Recovery Act, may determine, and from time to time revise, an estimate of expected oyster consumption; and based thereon, it may establish, and from time to time revise, an equitable production quota of the oyster industry and for each division thereof.

The National Committee of the oyster industry may develop plans for cooperative marketing of the products of the oyster industry for any division or subdivision of the industry, which program shall be effective when approved by said division or subdivision and accepted by the proper Federal authority.

Article VI—Regulations

A—Trade Practice Rules

To the end that competition shall be open and constructive and not secret and destructive, and in order that the oyster industry may contribute to the standards of living among the employees, and make effective the other purposes of the National Industrial Recovery Act, all producers shall sell all of their products in accordance with the following rules:

Rule 1. All prices quoted by producers in the oyster industry and all business settlements shall be on the basis of F. O. B. shipping point.

Rule 2. All prices in the oyster industry shall include the cost of package and ice, excepting that business in car-load lots shall be conducted on the basis of payment by the consignee of at least one-half of the ice used in any car-load shipment.

Rule 3. No producer in the oyster industry shall make a secret payment of transportation charges or permit the payment or allowance of secret rebates, advertising subsidies, free samples, refunds, credits, or unearned discounts, whether in the form of money or otherwise, or the giving premiums or extending to certain purchasers special service or privilege not extended to all purchasers under like terms and conditions.

Rule 4. The perishable products of the oyster industry shall be sold on a weekly net basis.

Rule 5. No producer in the oyster industry shall mark the products of the oyster industry or any records pertaining thereto for the purpose or with the effect of misleading or deceiving purchasers or others with respect to the quantity, quality, size, grade, substance or price of the products purchased.

Rule 6. All quotations for the sale of products of the oyster industry shall contain a true statement of price, quantity, source, terms of payment, time and place of shipment, and all other items necessary to form a complete understanding of the transaction, and each division shall establish for its members uniform credit policies which shall be binding upon all producers in such districts.

Rule 7. The products of the oyster industry shall not be sold on consignment.

Rule 8. No producer in the oyster industry shall offer or give commissions, prizes, premiums, gifts, or excessive entertainment as an act of commercial bribery to anyone in connection

with the sale, purchase or use of any product of the oyster industry, or as an inducement thereto.

Rule 9. All prices quoted and business transacted by the oyster industry shall be on the basis of the currency of the United States, and, foreign currencies shall not be accepted in payment of the products of the oyster industry except in amounts equal to said prices quoted in said United States currency.

B—Exceptions

These trade practice rules may be altered by individual divisions of the industry if such alterations are sanctioned and approved by the National Committee and the Administrator of the Act, provided, however, that any exceptions to these trade practice rules must be clearly set forth in the divisional code of each division of the oyster industry involved in said exception.

Article VII—Statistics

In order to provide data necessary for the administration of the National Industrial Recovery Act, the members of the oyster industry shall furnish, and the National Committee shall gather, necessary statistical information from all the members of the industry.

Article VIII—Control Committee

The National Committee of the oyster industry shall appoint from its own membership a Control Committee of three members. The Control Committee shall exercise such authority as may have been delegated to it by the said National Committee.

All communications and conferences of the oyster industry with the President or with his agents concerning the approval of amendment of this Code or of any of its provisions, or any matters relating thereto, shall be through the said Control Committee. The Control Committee shall serve as an executive agency for the National Committee of the oyster industry, and shall be charged with the enforcement of the provisions of this Code and with the duties, through agents or otherwise, of hearing and adjusting complaints, considering proposals for amendments and making recommendations thereon, approving recommendations for exceptions to the provisions of this code, and otherwise administering its provisions. Any division or any adherent to the provisions of this Code or subject to its terms shall have the right of appeal to the National Committee from decisions of the Control Committee and the decision of the said National Committee on said appeal shall be final.

The function of this Committee shall be the general planning and coordinating of the oyster industry, and cooperation with similar boards of other industries to the end of effecting a balanced national economy.

Article IX—General

1. No provision in this Code shall be interpreted or applied in such a manner as to:

- (a) Promote monopolies,
- (b) Permit or encourage unfair competition,
- (c) Eliminate or oppress small enterprises, or,
- (d) Discriminate against small enterprises.

2. No recommendation to the President for changes in this Code shall be made unless producers of oysters are given due warning and opportunity to express their viewpoint upon the desirability of such change; and no changes in this Code shall be recommended without a sanctioning vote of the National Committee.

3. The National Committee of the oyster industry and the Control Committee shall from time to time make to each Division established or to be established under the provisions of this Code such recommendations, including amendments to the Divisional Codes, as in their judgment will aid the effective administration of this Code or may be necessary to effectuate within the oyster industry or within any Division thereof the purpose of the National Industrial Recovery Act as administered.

4. Amendments to this Code may be proposed by any Established Division to the National Committee or may be initiated by it, and when approved by the National Committee and the President shall be effective.

5. Violation by any producer of the oyster industry of any provisions of this Code, or any approved rule issued thereunder, is an unfair method of competition.

6. In order to avoid undue delay in making effective throughout the oyster industry this Code of fair competition, the following provisions are adopted, and other provisions of the Code in conflict therewith, are suspended until such time as the National Committee shall determine that the purposes of the Article have been accomplished:

- (a) Each Established Division shall submit as promptly as possible to the National Committee, a complete Division Code in conformity with the provisions of this Code. Such Divisional

Code, if found substantially to promote the purposes of the National Code, shall be accepted provisionally by the National Committee and its immediate enforcement authorized. The National Committee shall thereupon proceed as rapidly as practicable to make such adjustments of and coordination between the provisions in respect of hours, wages, and production of the several divisional codes as may be necessary to bring them into conformity with the provisions of the National Code by:

1. Consultation and negotiation between the Divisions affected.
2. By its own findings after full consideration of all factors involved.

b If any Division fails to submit within a reasonable time code provisions as provided in sub-section (a) of this Article, and if in the judgment of the National Committee such failure is unduly delaying the effective operation of this Code, the said Committee is authorized to act as a Divisional agency for said Division and to submit on its behalf the necessary code provisions which upon approval by the President shall be effective until the said Division shall have submitted satisfactory code provisions.

7. This Code shall be in effect beginning thirty days after its approval by the President.

8. If any producer in the oyster industry shall flagrantly disregard the provisions of this Code and shall persist in said disregard after being duly warned by the National Committee, said Committee shall report the case of unfair competition to the Federal District Attorney and shall do all in its power to assist said agency in the discontinuance of said offense or punishment thereof.

9. This Code in its entirety shall cease to function upon the expiration of the National Industrial Recovery Act, except as may be otherwise provided by the National Committee subject to the approval of the President.